

II.

REQUEST FOR APPROVAL OF ACCOUNTING

Attached hereto as **Exhibit B** is a cash basis accounting from the inception of the receivership on August 27, 2010 through April 2, 2012. The accounting reflects total recoveries during the receivership of \$1,184,178.47, a distribution of \$1 million to the investor victims, and payment of \$135,219.83 in administrative fees and expenses of the receivership through June 25, 2011. The Receiver requests the Court's approval of this Final Accounting. As of April 3, 2012 cash on hand is \$48,859.57.

III.

REQUEST FOR AUTHORITY TO PAY FINAL FEES AND EXPENSES

Contemporaneously with the filing of this Motion, the Receiver filed his Motion for Approval of Receivership Fees and Expenses for the 9 month period from June 26, 2011 through March 25, 2012 consisting of \$10,010.00 in fees of the Receiver; \$37,790.50 in fees of the Receiver's attorneys; expenses of \$10,742.41; and \$292.01 in fees and expenses of the Receiver's accountant. The Receiver requests approval of these fees and expenses as set forth in the Motion.

In addition to the foregoing, the Receiver estimates the final expenses for closing the Receivership accruing after March 25, 2012 to be \$6,500.00. A breakdown of the estimated costs is listed on the attached **Exhibit C**. Closing costs include, but are not limited to, preparing the closing petition, preparing the motion for approval of fees and expenses, assigning the judgments as set forth herein, monitoring collection of the settlement agreements as set forth herein, closing the bank accounts, releasing the bond, preparing and filing the final tax documents, responding to questions from claimants regarding the receivership, storing the

receivership documents for a sufficient period of time, and disposing of the seized documents thereafter. The Receiver believes these estimated costs are reasonable and necessary. The Receiver requests approval of the estimated costs necessary to close the Receivership and authority to pay the estimated costs as set forth on Exhibit C attached hereto.

IV.

**REQUEST TO ASSIGN CERTAIN
SETTLEMENT AGREEMENTS AND JUDGMENTS**

The cash on hand of \$48,859 is insufficient to pay the accrued and unpaid fees and expenses of \$58,834.92, and the estimated fees and expenses required to close the receivership of \$6,500. The Receiver requests authority to pay the approved fees and expenses from the cash on hand. For the deficiency remaining, the Receiver requests authority to continue to collect the settlement payments that become due under the settlement agreements listed on Exhibit D and to use the monies collected from such settlement agreements to pay the deficiency. Once the deficiency has been fully paid, the Receiver requests the authority to assign any remaining unpaid settlement agreements to the United States District Court Clerk in Austin, Texas, with the collection of future settlement payments under the agreements to be supervised by the Financial Litigation Unit of the Office of the United States Attorney of the Western District of Texas.

In addition, the Receiver requests authority to assign to the United States District Court Clerk in Austin, Texas those unpaid and outstanding judgments obtained by the Receiver as listed on Exhibit E, with the collection of such judgments to be supervised by the Financial Litigation Unit of the Office of the United States Attorney of the Western District of Texas.

V.

REQUEST TO CLOSE RECEIVERSHIP

The Receiver seized and liquidated all known Receivership Assets. In addition, all claims owned by the Receiver have been settled. Moreover, with the payment of the accrued and final expenses of the Receivership and payment of the final distribution, all assets of the Receivership will be disbursed.

Accordingly, the Receiver requests the Court to enter an Order approving the Receiver's Final Accounting, authorizing the Receiver to assign certain judgments, approving all unpaid and accrued fees and expenses and authorizing payment of those fees and expenses, authorizing the Receiver to file with the Internal Revenue Service or any governmental agency any tax returns or compliance documents that may be requested, and thereafter destroy or dispose of the Receivership documents as appropriate. In addition, with the closing of the Receivership, the Receiver requests that he and his employees, agents, and attorneys be released from liability.

VI.

PRAYER

WHEREFORE, the Receiver respectfully requests the Court to enter an order:

- 1) Approving the Receiver's Final Accounting, attached hereto as Exhibit B;
- 2) Authorizing the payment from receivership assets now existing and hereafter acquired the accrued and estimated receivership fees and expenses reflected in Exhibit C and the Receiver's Motion for Approval of Receivership Fees and Expenses filed contemporaneously herein;

3) Authorizing the Receiver to assign to the District Clerk any remaining monies due under the Settlement Agreements listed on Exhibit D after the approved fees and expenses of the receivership have been paid in full;

4) Authorizing the Receiver to assign to the District Clerk those judgments listed on Exhibit E;

5) Authorizing the Receiver to file with the Internal Revenue Service or any governmental agency any tax returns or compliance documents that may be requested;

6) Authorizing the Receiver to retain the books and records necessary to support the tax returns filed by the Receiver for a period of four years and thereafter destroy the records;

7) Authorizing the Receiver to destroy all books and records not necessary to support the tax returns filed by the Receiver after one year from the date of this order;

8) Authorizing the Receiver to close the receivership bank accounts after paying all fees and expenses;

9) Exonerating and releasing the Receiver's Bond filed in this matter;

10) Exonerating and releasing the Receiver and his employees, agents, attorneys and assistants from any and all further liability to the Receivership Estate and to the creditors, claimants, beneficiaries, or owners of the Receivership Estate;

11) Enjoining all persons from commencing or prosecuting, without leave of this Court, any action against the Receiver or his agents in connection with or arising out of the Receiver's service to this Court in this Receivership;

12) Retaining jurisdiction for the purpose of enforcing the above injunctive relief; and

13) That the Receiver be granted such other and further relief to which he may be justly entitled.

Respectfully submitted,

SCHEEF & STONE, L.L.P.

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**ATTORNEYS FOR RECEIVER
KELLY M. CRAWFORD**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on or about April 8, 2012, the Receiver conferred with counsel for the U.S. Commodity Futures Trading Commission regarding this Petition and proposed Order and the Commission is not opposed to the relief sought herein.

/s/ Kelly M. Crawford
KELLY M. CRAWFORD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 9, 2012, I electronically filed the foregoing document with the clerk of the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record:

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Receiver

I further certify that on this 9th day of April, 2012, I served a true and correct copy of the foregoing by sending it by electronic mail to the persons listed below:

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